

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS
BOSTON DIVISION
COURT DOCKET NO.:

GILLIAN KNOX,)	
Plaintiff,)	COMPLAINT UNDER THE
)	FEDERAL TORT CLAIMS
v.)	ACT AND DEMAND FOR JURY
)	TRIAL
UNITED STATES OF AMERICA)	
. Defendant.)	

INTRODUCTION

1. Plaintiff brings this action against Defendant United States of America (“USA”) pursuant to the Federal Tort Claims Act, which is codified at 28 U.S.C. §§ 2671-2680, as well as pursuant to 28 U.S.C. § 1346(b)(1), for monetary damages and other compensation resulting from the United States Postal Service’s (“USPS’s”) negligence in causing, installing, and/or allowing a dangerous and defective condition by way of a defective door in which the door spring stuck the Plaintiff and suffered severe and permanent injuries.

2. Plaintiff complied with the provisions of 28 U.S.C. § 2675 prior to timely filing the instant lawsuit. Exhibit 1 (Standard Form 95 and USPS denial of Plaintiff’s administrative claim).

PARTIES, JURISDICTION, AND VENUE

3. Plaintiff Marie Jean-Noel is an individual who lives in Brockton, Massachusetts.

4. The USPS is a federal agency operated by Defendant USA.

5. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1346(b)(1).

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1402(b) as the Plaintiff resides in the area of Massachusetts within the jurisdiction of the Boston Division of the Massachusetts Federal District Court and the Plaintiff’s subject accident and injuries also occurred in the area of Massachusetts within the jurisdiction of the Boston Division of the Massachusetts Federal District Court.

COUNT II

7. Defendant United States of America caused a dangerous and defective condition by installing, creating, and/or allowing accumulated water on the floor, at 7 Commercial Street, Brockton, Massachusetts.

8. The accumulated water referred to in the preceding paragraph had been on the parking lot where Plaintiff fell for a sufficient period of time for Defendant USA to have observed and addressed this dangerous condition for their patrons.
9. On or about January 20, 2020, Plaintiff Marie Jean-Noel slipped and fell on the accumulated water thereby sustaining left knee, both shoulders, back, medical expense, and incurring disability from his usual activities.
10. The injury suffered by the Plaintiff as referred to in paragraph no. 9 of this Complaint as directly occasioned by the negligence, carelessness and failure of Defendant United States of America to maintain the property so that it was safe and proper for patrons and passersby upon the property.
11. As a result of the injury of Plaintiff Marie Jean-Noel on January 20, 2020, Plaintiff suffered severe injury to her left knee, both shoulders, back as well as pain in his body and mind.
12. As a result of the injury of Plaintiff Marie Jean-Noel on January 20, 2020, Plaintiff Marie Jean-Noel incurred medical bills and expenses, and suffered disability from her usual activities.
13. This Count II is an actionable claim under Massachusetts law and Defendant USA is liable under this Count II pursuant to 28 U.S.C. § 1346(b)(1).

WHEREFORE, Plaintiff demands judgment against Defendant United States of America in the amount of \$500,000, along with costs, interest, multiple damages, and attorneys' fees as appropriate

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES

Respectfully submitted,
Plaintiff Marie Jean-Noel,
By her attorney,

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